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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,381	09/25/2003	Charles E. Benedict	14308	3928

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EXAMINER

LAVINDER, JACK W

ART UNIT PAPER NUMBER

3677

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/669,381

**Applicant(s)**

BENEDICT, CHARLES E.

**Examiner**

Jack W. Lavinder

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to disclose an embodiment that includes a single release member actuating push buttons.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Matoba, 5355562.

Regarding claim 1, Matoba discloses

- a buckle (figure 1)
- a latch plate having a pair of locking tongs (14)
- a pair of latching mechanisms (18) slidable within the housing

- a biasing means (26) disposed between the latching mechanisms urging them in opposite directions toward the first outer locking positions
- a release means (16a) engageable with the latching mechanisms (18) for moving the mechanisms simultaneously inwardly to a second release position

wherein the biasing means (16) constantly urges the latching mechanisms toward the locking positions with oppositely directed forces such that when one of the latching mechanisms is urged toward the second release position by a force, a simultaneous and substantially equal increase in force is applied to retain the other latching mechanism in the first locking position. When the user pushes on the lower release means (16a, figure 1) without pushing on the upper release means (16a), the force is transmitted through the biasing means (16b, lower portion), into the tongue (36) of the latch plate, onto the upper portion of the biasing means (26b) and then onto the top latch mechanism (18), which then engages the locking tong (14) with a force substantially equal to the force applied on the lower release means.

Regarding claim 2, Matoba discloses a pair of spaced openings for receiving the release means/push buttons (16), wherein the push buttons extend upwardly (relative term depending on how the buckle is oriented) through opposite openings in the housing.

Regarding claim 3, Matoba discloses housing that extends slightly above the push buttons in an area of the openings, i.e., plate 12b extends over the buttons (figure 2).

Regarding claim 4, Matoba discloses a slide block (18) with an outer tapered face that engages the locking tong (14, figure 1).

Regarding claims 5 and 12, Matoba discloses a pair of guide blocks(44, 44a and 46, 46a) defining a guide channel therebetween.

Regarding claims 6 and 10, Matoba discloses a pair of opposing sidewalls (12a, 12b) defining an upper sidewall channel and a lower sidewall channel (as seen from the perspective of figure 1) for receiving the locking tongs.

Regarding claim 7, Matoba discloses release means/push buttons (16) for releasing the latching mechanisms.

Regarding claim 9, Matoba discloses a latch plate having an intermediate tang/tongue (36), which prevents the latching mechanisms from moving to the second release positions.

Regarding claim 11, Matoba discloses a slide block (16) having an outer tapered face (18) for engaging the locking tongs.

Regarding claim 13, Matoba discloses a first resilient means (26b) for urging the slide release member to its first position.

Regarding claim 14, Matoba discloses a second resilient means (26a), which functions to urge the latch plate (10) from the buckle (12).

Regarding claim 15, Matoba discloses a tang (36) disposed between one of the guide members, i.e., between top portion 44 and bottom portion 44 in figure 1.

Regarding method claims 16 and 17, Matoba discloses performing all the recited method steps.

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5. Claims 16, 17 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lohr, 3605210.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Matoba in view of Van Riesen, 4809409.

Regarding claim 8, Matoba fails to disclose a housing with a domed portion for receiving a push button. However, Van Riesen discloses a dome-shaped housing portion, i.e., the right end of the housing (1) in figure 2, for receiving a release button (29). It would have been obvious to a person having ordinary skill in the art to reshape Matoba's housing to include domed portions for receiving the push buttons in order to improve the aesthetic feel and look of the housing.

Regarding claim 19, Matoba discloses the method step of releasing the latch plate by pressing the two buttons (16) simultaneously inwardly to release the locking tongs (14), but fails to a release member in spaced non-contacting relationship from the pair of latching mechanisms.

Van Riesen discloses a release member (28, 29) in spaced non-contacting relationship from a pair of latching mechanisms (25, 26) in order to simplify the

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operation of releasing the latch plate from the buckle, i.e., the user only has to press a single button as compared to Matoba's two button release mechanism.

It would have been obvious to a person having ordinary skill in the art to modify Matoba's two button release mechanism with the teachings of Van Riesen in order to simply the method of releasing the latch plate from the buckle by providing a single release member that engages both buttons in the step of releasing the latch plate from the buckle.

Regarding claim 20, Matoba discloses the method of blocking the pair of latching mechanisms with a tongue (38).

### ***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W. Lavinder  
Primary Examiner  
Art Unit 3677

4/14/05